



## **HISTORIC LANDMARKS COMMISSION**

### **ACTION MINUTES**

**June 01, 2016**

**Regular Session**

**6:30 p.m.**

**Council Chambers**

First Floor, City Hall Wing  
200 East Santa Clara Street  
San José, CA 95113

### **Commission Members**

**Edward Saum, Chair**

**Joshua Marcotte, Vice Chair**

**Rachel Grothe**

**Eric Hirst**

**Patricia Jones**

**Anthony Raynsford**

**Max Schultz**

**Harry Freitas, Director**

**Department of Planning, Building & Code Enforcement**

### Note

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Carina Shattuck at 408-535-5695 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

### **NOTICE TO THE PUBLIC**

If you want to address the Commission, **fill out a speaker card (located at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

#### **The procedure for public hearings is as follows:**

- After the staff report, ***applicants may make a five-minute presentation.***
- Anyone wishing to speak in favor of the proposal should prepare to come forward. After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. ***Each speaker will have two minutes.***
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing.
- ***The Historic Landmarks Commission will take action on the item.***

#### **The procedure for referrals is as follows:**

- Anyone wishing to speak on a referral should prepare to come forward. ***Each speaker will have two minutes.***
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- ***The Historic Landmarks Commission will comment on the referral item.***

**If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.**

An agenda and a copy of all staff reports have been placed on the table for your convenience. All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3<sup>rd</sup> Floor Tower, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

# **AGENDA**

## **ORDER OF BUSINESS**

### **ROLL CALL**

**Vice Chair Marcotte Absent**

### **1. DEFERRALS**

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Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

**No Items**

### **2. CONSENT CALENDAR**

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**The consent calendar items are considered to be routine and will be adopted by one motion.** There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time.

**No Items**

### **3. PUBLIC HEARINGS**

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**No Items**

### **4. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES**

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- a. **[Notice of Preparation of a Draft Environmental Impact Report for the St. James Park Capital Vision and Levitt Pavilion \(File No. PP16-037\).](#)** *PROJECT MANAGER, KRINJAL MATHUR*

**Recommendation:**

1. Discuss the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the St. James Park Capital Vision and Levitt Pavilion.
2. Consider authorizing the Chair to submit the Commission's official comments to the Director of Planning, Building, and Code Enforcement regarding analysis that should be included in the cultural resources portion of the EIR.

**Staff provided a brief report about the project. Staff noted that the memo erroneously stated that the Commission reviewed and endorsed the Friends of Levitt Exploratory Report on February 4, 2016 where the Commission actually reviewed the report on February 4, 2015. Staff clarified that while the Notice of Preparation indicates a capacity of 7,000 persons for concerts in the park, the Levitt Pavilion would have capacity of no more than 5,000 persons, with the potential for another 2,000 persons should a Levitt event and other events in the park occur concurrently.**

Staff provided the following information in response to questions from Commissioners: At the Commission meeting on September 18, 2014, the Commission recommended that the Pavilion should be designed in a classical style to fit within the historic character of the park, and that the Pavilion should be cited as to not require removal of mature trees. On February 4, 2015, the Commission voted to endorse the Levitt Pavilion San Jose Exploratory Committee report and recommended that alternative sites outside of St. James Park should be evaluated for suitability for the Pavilion. Potential events in addition to the 50 Levitt events per year are anticipated to be the regular programming that currently occurs in the park, such as the Summer in St. James program. It is not anticipated that other events would take place in concurrence with Levitt Pavilion events. Only the portion of the park containing the Levitt Pavilion would be closed for general use during Levitt concert events and the rest of the park would remain open to the public during Levitt events. The Housing Department, in partnership with a nonprofit organization called PATH, currently outreaches to homeless individuals in the park and provides them with information on available services. Potential noise levels from the proposed Pavilion will be analyzed with the EIR. Staff clarified that while older documentation about the park states that it was designed by Fredrick Law Olmsted, more recent research found conclusive evidence that the park was not designed by Olmsted, but rather in the style of Olmsted.

Mr. Brian Grayson, a member of the Friends of Levitt Pavilion Steering Committee, stated that there needs to be careful consideration for Levitt Pavilion design. The design competition should result in a design that is compatible with the historic character of the park. The Commission has touched on good questions of how the Pavilion will impact the historic character of the park itself, as well as the historic character of the Historic District.

The Commission commented that the park has been through many efforts to restore its appearance before it was bifurcated by N. 2<sup>nd</sup> Street, such as restoring the diagonal configuration of pathways and installation of a fountain near the center of the park. The Commission noted that this needs to be one of the more detailed EIRs the City has completed with regards to cultural resources.

The Commission voted (6-0-1, Marcotte absent) to authorize the Chair to submit the Commission's official comments on the Notice of Preparation to the Director of Planning, Building and Code Enforcement to include:

- Clarify era of significance of the park and define the historic character defining features of the park
- Provide a copy of the original landscape design of the park, should it be available
- Provide documentation of efforts since 1955 to restore park to its turn of the century appearance and evaluate the proposed plan for the park against efforts to restore the park
- Less consideration may be given for structures and improvements outside of era of significance
- Provide detailed information regarding proposed programmatic changes to the park
- Provide information on the capacity of event space at the park and how large events may impact the historic integrity of the park
- Conduct noise and vibration studies for potential impacts to nearby historic structures
- Analyze the history and age of the existing fountain to determine if it has become part of the historical fabric of the park

- **Analyze visual impacts on adjacent historic structures, including analysis of the height of structure versus the existing landscape and nearby buildings**
- **Provide renderings to assist with the assessment of potential visual impacts of the Levitt Pavilion and other proposed park modifications**
- **Study potential impacts to health of trees and other older landscape features**
- **Provide information on the historical markers and analyze the impact of any proposed modification to those markers**

## **5. OPEN FORUM**

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- a. Members of the public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the Commission. The Commission cannot engage in any substantive discussion or take any formal action in response to the public comment. The Commission can only ask questions or respond to statements to the extent necessary to determine whether to (1) refer the matter to staff for follow-up; (2) request staff to report back on a matter at a subsequent meeting; or (3) direct staff to place the item on a future agenda. Each member of the public may fill out a speaker's card and has up to two minutes to address the Commission.

**No speakers**

## **6. GOOD AND WELFARE**

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- a. Report from Secretary, Planning Commission, and City Council

1. Past Agenda Items

**Staff provided an update on the project located at West Santa Clara Street and Delmas Avenue that was heard by the Commission on May 4, 2016. The Historic Preservation Permit (File No HP16-002) was approved by the Director of Planning on May 11, 2016 and the Planned Development Permit (File No. PD15-061) was approved by the City Council on May 17, 2016.**

**Staff reminded the Commission that the auction of items that were deaccessioned by History San Jose will take place on June 4, 2016 at History Park.**

2. Future Agenda Items

**Staff informed the Commission that the Historic Preservation Permit for construction of the Our Lady of La Vang Church on the site of the St. Patrick's School will be heard before the Commission at an upcoming meeting.**

3. Summary of communications received by the Historic Landmarks Commission

**No communications received.**

- b. Election of Historic Landmarks Commission Chair and Vice Chair for Fiscal Year 16/17

1. [Statement of Interest from Chair Saum](#)

**Commissioner Jones moved to nominate Commissioner Raynsford to be elected as Chair. Commissioner Raynsford did not accept the nomination and the motion was not seconded. Commissioner Schultz moved to nominate Chair Saum to be reelected as Chair.**

**Commissioner Jones seconded the motion. The motion passed (5-0-1-1, Marcotte absent; Saum abstained)**

**Commissioner Schultz moved to nominate Vice Chair Marcotte to be reelected as Vice Chair. Commissioner Raynsford seconded the motion. The motion passed (6-0-1, Marcotte absent)**

c. Report from Committees

1. Design Review Subcommittee (Saum and Jones)  
Meets the 3<sup>rd</sup> Wednesday of the month as necessary

**The Committee did not meet in May.**

d. Approval of Action Minutes

1. **Recommendation:** Approval of Action Minutes for the Historic Landmarks Commission Meeting of [May 4, 2016](#)

**Commissioner Schultz moved to approve the Action Minutes of May 4, 2016. Commissioner Raynsford seconded the motion. The motion passed (6-0-1, Marcotte absent).**

e. Status of Circulating Environmental Documents: Negative Declarations  
<http://www.sanjoseca.gov/index.aspx?NID=2165> and Draft Environmental Impact Reports  
<http://www.sanjoseca.gov/index.aspx?NID=2434>

**Staff informed the Commission that the Initial Study for the Our Lady of La Vang project is currently circulating for public review (File Nos. C14-061, SP15-004, HP15-001).**

**The Commission requested that Staff return with information for when a Historic Preservation Permit for modifications to the San Jose Water Works City Landmark building will come before the Commission.**

## **ADJOURNMENT**

# **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

## **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

## **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

## **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

### **3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:**

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.